REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-6, 8, 11-12, and 14-24 are pending in the application. Claims 7, 9-10 and 13 have been cancelled without prejudice or disclaimer. Claim 11 has been rewritten in independent form including all limitations of base claim 7. Claims 1-6, 8, 12, and 14-16 have been amended to improve claim language. New claims 17-24 have been added to provide Applicants with the scope of protection to which they are believed entitled. New claims 17-24 find solid support in the original specification, e.g., at page 3, line 37; and page 4, lines 6, 14-16, and 20-24; as well as the original drawing. No new matter has been introduced through the foregoing amendments.

The *35 U.S.C. 103(a)* rejection of claims 1-16 as being obvious over *Dengler* (U.S. Patent No. 3,076,232) in view of *Barry* (U.S. Patent No. 5,241,030) is traversed because the references singly or in combination fail to disclose, teach or suggest all limitations of the rejected claims.

As to independent claim 1, the applied references, especially *Dengler*, clearly fail to teach or suggest the claimed step of relaxing said stretched film substantially to **release all of the elastic deformation** to form a substantially relaxed film. According to the Examiner, *Dengler* discloses relaxing the stretched film to about 15-23%. However, the reference is silent on whether the disclosed 15-23% relaxation is sufficient to release all of the stretched film's elastic deformation as presently claimed. The teaching reference of *Barry* also fails to teach or suggest the claimed relaxing step. Therefore, Applicants respectfully submit that the Examiner's proposed combination of *Dengler* and *Barry*, if proper, would fail to include the claimed relaxing. The *35 U.S.C. 103(a)* rejection of claim 1 is therefore believed inappropriate and should be withdrawn. The *35 U.S.C. 103(a)* rejection of claims 2-6 and 14-15 which depend from claim 1, should be withdrawn as well.

As to claim 4, Applicants respectfully submit that the applied references, especially *Dengler*, clearly fail to teach or suggest that the stretching of the film that occurs in said **first step** has a stretch ratio in the range **1:1.85 to 1:1.95**. The Examiner's argument that the *Dengler* stretch ration of 1:2 is similar to the claimed ration of 1:1.95 is traversed, because it is not a proper argument under *35 U.S.C. 103(a)*. The Examiner is kindly referred to *MPEP*, section 2144.05 for guidance for properly establishing a prima facie case of obviousness of ranges.

In addition, Applicants respectfully submit that *Dengler* teaches away from the claimed stretch ratio range by specifically requiring that the first stretching step have a stretch ratio not lower than 2. According to *Dengler*, a stretch of below 2 times in the initial stretch will not provide adequate orientation. *See Dengler* at column 5, lines 29-32. The first stretch ratio of 2-4 is also indicated by *Dengler* to be critical, and therefore, not modifiable. *See Dengler* at column 5, line 24.

Accordingly, Applicants respectfully submit that *Dengler* fails to teach or disclose and further teaches away from the claimed stretch ratio. This deficiency is not deemed curable by the teaching reference of *Barry*. Therefore, claim 4 is patentable over the applied art of record.

As to claim 11, the applied references, especially *Dengler*, clearly fail to teach or suggest that the stretching of the film that occurs in said **first step** has a stretch ratio in the range **1:1.85 to 1:1.95**, as argued above with respect to claim 4. The *35 U.S.C. 103(a)* rejection of claim 11 is therefore believed inappropriate and should be withdrawn. The *35 U.S.C. 103(a)* rejection of claims 8, 12 and 16 which now depend from claim 11, should be withdrawn as well.

New claims 17-21 depend from claim 1, and are considered patentable at least for the reason advanced with respect to claim 1. Claims 17-21 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

As to claim 17, the applied references do not fairly teach or suggest the step of **preventing a**

substantial necking down of the film being stretched by positioning the rollers of at least one of said first and second pairs sufficiently close to each other. The references, especially *Dengler*, are silent on this feature of the claimed invention.

As to claim 18, the applied references do not fairly teach or suggest that the rollers of said first pair are physically spaced at **1 m or less** and the rollers of said second pair are physically spaced at **1 m or less**. The references, especially *Dengler*, are completely silent on the distances between the rollers.

As to claim 19, the applied references do not fairly teach or suggest that the first and second pairs share **one common roller**. This feature finds support at roller 7 in FIG. 1 of the instant application. As can be seen in the figure of *Dengler*, the first roller pair 14/15 and the second roller pair 21/22 where the stretching steps take place do not share any common roller. *See Dengler* at column 2, lines 67-70 and column 3, line 4.

As to claims 20-21, the applied references do not fairly teach or suggest the claimed step of **polishing said relaxed film** with said polishing roller **prior to said winding**, wherein said polishing comprises rotating said polishing roller in a direction **opposite** to that of the relaxed film being wound onto said roll. As can be seen in the figure of *Dengler*, all rollers rotate in the traveling direction of the film.

Independent claim 22 is directed to a method of making a plastics stretch film, said method comprising the steps of: taking a cast or blown film of plastic material; causing both plastic and elastic deformation of the film by stretching the film in two successive first and second stretching steps to form a stretched film, said first step having a stretch ratio higher than that of said second step; relaxing said stretched film to form a substantially relaxed film; and winding said substantially relaxed film into a roll; said method further comprising: providing a plurality of rollers arranged successively between a film supply, from which said film is taken, and said roll; passing said film

from said film supply, successively through said rollers, to said roll at various speeds to perform said first and second stretching steps and said relaxing step, wherein said first and second stretching steps are performed between first and second pairs of successive said rollers, respectively; and **preventing a substantial necking down of the film being stretched** by positioning the rollers of said first pair sufficiently close to each other and positioning the rollers of said second pair sufficiently close to each other; wherein an upstream roller of said first pair is closers to a downstream roller of said first pair than to the rollers located upstream of said first pair; and wherein a downstream roller of said second pair is closers to an upstream roller of said second pair than to the rollers located downstream of said third pair. The applied references do not fairly teach or suggest the highlighted claim feature as argued with respect to claim 17. The references also fail to teach or suggest the last two paragraphs of independent claim 22.

Claims 23-24 depend from claim 22, and are considered patentable at least for the reasons advanced with respect to claim 22. Claims 23-24 are also patentable on their own merits as argued with respect to claims 19-20, respectively.

The rejections of claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being obvious over the claims of the commonly owned '883 patent (U.S. Patent No. 6,616,883) are noted. These rejections are obviated through the submission of the attached Terminal Disclaimer. It should be noted that the filing of the attached Terminal Disclaimer is not an admission of the propriety of the Examiner's double patenting rejections.

Each of the Examiner's rejections has been addressed/traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Application No.: 10/626,635 **Docket No.: 713-391A**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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